

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN SECTION

CIVIL ACTION NO.:04-30036-KPN

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Frank Labuz and Harriet Labuz,  
Plaintiffs

v.

Cascades Diamond Inc.,  
Defendant

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JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant to Fed. R. Civ. P. 16 and Local Rule 16.1, the parties in the above-captioned case hereby submit the following joint statement.

1. Obligation of Counsel to Confer. Counsel have conferred with regard to this Joint Statement.

The parties consent to trial by Magistrate Judge at this time.

2. Settlement Proposal. On August 31, 2004, Plaintiffs' counsel made written settlement offer and Defendant's counsel communicated such offer to the Defendant. Defendant's counsel will be in a position to respond on or about October 8, 2004 to Plaintiffs' offer.

3. Pretrial Schedule.

The parties propose the following schedule:

- a. Pursuant to Local Rule 26.2A, both counsel certify that they have discussed designation of automatic discovery material. Counsel for each side has agreed to identify the types of documents available and potentially relevant on, or before September 28, 2004 and to exchange designated documents upon request no later than November 1, 2004, unless otherwise agreed.

- b. The parties shall complete all non-expert discovery on or before May 1, 2005.
- c. The plaintiff's expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be made on or before June 1, 2005. The defendant's expert disclosures required by Fed.R.Civ. P. 26(a)(2) shall be made on or before June 15, 2005. All expert witness depositions shall be conducted on or before August 1, 2005.
- d. All dispositive motions shall be filed on or before September 1, 2005.
- e. Pretrial conference shall occur by October 15, 2005 with proposed pretrial orders submitted on October 1, 2005.
- f. Trial scheduled to begin on approximately November 1, 2005.

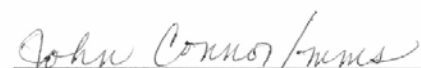
4. Certifications by Counsel.

Plaintiffs' counsel will file his respective certification pursuant to L.R. 16.1(D)(3) at or prior to the Scheduling Conference. Defendant's counsel will file her respective certification on or before September 30, 2004.

The Defendant,  
by its Attorneys,

The Plaintiffs,  
by their Attorney,

  
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